

**REQUEST FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Mail Stop RCE
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Application Number:	09/817,449
Filing Date:	March 26, 2001
First Named Inventor:	Scott Trees
Group Art Unit:	1661
Examiner Name:	S. McCormick
Attorney Docket No.	BAL6019P0281US

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

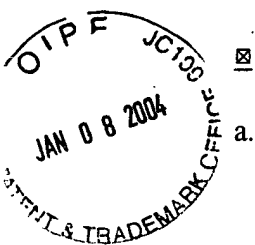
1. **Submission required under 37 C.F.R. §1.114** Note: If the RCE is proper, any previously-filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. ☐ Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.
 - i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on.
 - ii. ☐ Other: _____
 - b. ☒ Enclosed:
 - i. ☒ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement
 - iv. ☐ Other: _____
2. **Miscellaneous.** Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of:
 - a. ☐ _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 CFR 1.17(i) required)
 - b. ☐ Other: _____
3. **Fees.** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. The filing fee has been calculated as shown below:

Small Entity						Large Entity	
For	Claims Remaining After Amendment	Claims Previously Paid For	Extra Claims	Rate	Fee	Rate	Fee
Basic Fee					\$385.00		\$770.00
Total Claims	3	-17		x \$9.00	\$	x \$18.00	\$
Indep. Claims	1	-2		x \$43.00	\$	x \$86.00	\$
Multiple Dependent Claims Present				+ \$145.00	\$	+ \$290.00	\$
				TOTAL	\$	TOTAL	\$770.00

01/09/2004 CCHAU1 00000120 09817449

OP FC:1801

770.00 OP



☒ A check in the amount of \$770.00 to cover the filing fee is enclosed.

☐ a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayment, to Deposit Account No. 23-0785.

- i. ☐ RCE filing fee
☐ Extension of time fee
☐ Other _____

4. **Correspondence Address:**

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
Citicorp Center, Suite 3800
500 West Madison Street
Chicago, Illinois 60661-2511
Telephone: (312) 876-1800
Facsimile: (312) 876-2020

Customer Number: 32116

Date: January 5, 2004

Attorney's Signature

Lisa V. Mueller, Reg. No. 38,978

CERTIFICATE OF MAILING BY EXPRESS MAIL

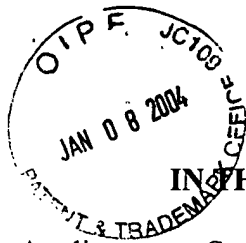
I hereby certify that this Request For Continued Examination Transmittal and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service, first class mail, under 37 CFR 1.10 on the date indicated below and addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date of Deposit: January 5, 2004

Typed/Printed Name of Person Signing: Barbara Towns

Signature:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Scott Trees)		
)		
Serial No.:	09/817,449)	Group Art Unit:	1661
)		
Filed:	March 26, 2001)	Examiner:	S. McCormick
)		
For:	Interspecific <i>Lobelia</i> Plant)		

Mail Stop RCE
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT

Sir:

This Amendment is being submitted in response to the Office Action dated June 17, 2003 in connection with the above-identified application.